

Senate Amendment 3351

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1 1 Amend Senate File 585 as follows:
1 2 #1. Page 2, by inserting after line 17 the
1 3 following:
1 4 <Sec. _____. NEW SECTION. 657B.1 DEFINITIONS.
1 5 For the purposes of this chapter:
1 6 1. "Builder" means a builder or developer of a new
1 7 residential unit that is sold on or after July 1,
1 8 2007.
1 9 2. "Claimant" includes an individual owner of a
1 10 single-family home, an individual unit owner of an
1 11 attached dwelling, and, in the case of a horizontal
1 12 property regime or common interest development, a
1 13 council or an association. "Claimant" does not
1 14 include a person not in privity of contract with a
1 15 builder.
1 16 Sec. _____. NEW SECTION. 657B.2 NOTICE OF CLAIM ==
1 17 CLAIMANT.
1 18 Prior to filing an action for recovery of property
1 19 damages arising out of, or related to deficiencies in,
1 20 the repair or construction of the claimant's residence
1 21 against a builder, a claimant shall provide written
1 22 notice by certified mail, overnight mail, or personal
1 23 delivery to the builder that the repair or
1 24 construction of the claimant's residence is deficient
1 25 or violates the applicable housing code or city
1 26 ordinance. The notice shall state the claimant's
1 27 name, address, and contact information, and shall
1 28 describe the nature of the claim in sufficient detail
1 29 in order to determine the nature and location of the
1 30 alleged deficiency or violation.
1 31 Sec. _____. NEW SECTION. 657B.3 REPAIRS OR
1 32 CONSTRUCTION.
1 33 Within ten business days of the builder's receipt
1 34 of a claimant's notice of claim, the claimant shall
1 35 provide the builder with access to the claimant's
1 36 residence and the builder shall inspect the alleged
1 37 deficiency or violation and make an offer in writing
1 38 which shall include either of the following:
1 39 1. A bona fide offer to compensate the claimant
1 40 for repair of the alleged deficiency or violation and
1 41 property damages caused by the alleged deficiency or
1 42 violation.
1 43 2. An offer to repair with a detailed statement
1 44 identifying the particular deficiency or violation to
1 45 be repaired, an explanation of the nature, scope, and
1 46 location of the repair needed, and the estimated
1 47 completion date of the repair, which shall occur
1 48 within either twenty-one business days of the
1 49 builder's receipt of the claimant's notice of claim,
1 50 or within reasonable weather-related construction
2 1 conditions, or as otherwise agreed to by the parties.
2 2 Sec. _____. NEW SECTION. 657B.4 REQUIREMENTS.
2 3 A builder shall provide a claimant with a written
2 4 notice of the requirements of this chapter at the time
2 5 of closing for the sale of the property or at the time
2 6 of the completion of the repair.
2 7 Sec. _____. NEW SECTION. 657B.5 APPLICABILITY.
2 8 The provisions of this chapter apply only to those
2 9 builders who have registered and are in compliance
2 10 with the requirements of chapter 91C.>
2 11 #2. Title page, line 1, by inserting after the
2 12 word <contractors> the following: <and the claims of
2 13 residential construction claimants>.
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2 17 RON WIECK
2 18 SF 585.202 82
2 19 ak/es/6860